

85th Legislative Session – 2010

Committee: House Judiciary

Monday, March 01, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Engels
P Feinstein
P Gibson
P Gosch
P Hamiel
P Hoffman
P Killer
P Lust
P Moser
P Schlekeway
P Turbiville
P Hunt, Vice-Chair
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 24, 2010.

Moved by: Gibson
Second by: Hunt
Action: Prevailed by voice vote.

SB 110: provide for the posting of a bond by parolees under certain circumstances.

Presented by: Senator Russell Olson

MOTION: DO PASS SB 110

Moved by: Gosch
Second by: Moser
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Engels, Feinstein

MOTION: PLACE SB 110 ON CONSENT CALENDAR

Moved by: Turbiville
Second by: Schlekeway
Action: Prevailed by voice vote.

SB 132: permit the utilization of certain DNA samples to determine parentage under certain conditions.

Presented by: Representative Fred Romkema
Proponents: Charlie McGuigan, Office of the Attorney General

MOTION: DO PASS SB 132

Moved by: Turbiville
Second by: Hoffman
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Engels, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Feinstein

MOTION: PLACE SB 132 ON CONSENT CALENDAR

Moved by: Turbiville
Second by: Gosch
Action: Failed by voice vote.

SB 7: permit certain sex offenders who are homeless or on parole to reside in certain halfway homes or homeless shelters within community safety zones.

Presented by: Representative Brian Gosch

Proponents: Charles McGuigan, Office of Attorney General
Chuck Schroyer, SD States Attorneys Association
Ryan Kolbeck, SD Assn. Of Criminal Defense Lawyers
Staci Eggert, SD Sheriff's Association

MOTION: DO PASS SB 7

Moved by: Gibson
Second by: Moser
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser,
Schlekeway, Turbiville, Hunt, Cutler

SB 8: establish the application of certain statutes relating to the sex offender registry
with regard to out-of-state offenders residing in the state of South Dakota.

Presented by: Representative Brian Gosch
Proponents: Chuck Schroyer, SD States Attorneys Association
Staci Eggert, SD Sheriff's Association

MOTION: DO PASS SB 8

Moved by: Gosch
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 8

8ra

On page 1 of the printed bill, delete lines 12 to 15, inclusive.

On page 2, delete lines 1 to 3, inclusive.

Moved by: Hunt
Second by: Moser
Action: Failed by roll call vote. (6-7-0-0)

Voting Yes: Engels, Killer, Lust, Turbiville, Hunt, Cutler

Voting No: Feinstein, Gibson, Gosch, Hamiel, Hoffman, Moser, Schlekeway

MOTION: DO PASS SB 8

Moved by: Gosch

Second by: Gibson

Action: Prevailed by roll call vote. (12-1-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

Voting No: Hunt

SB 10: reduce the grace period for certain sex offender registry registrations.

Presented by: Representative Brian Gosch

Proponents: Charlie McGuigan, Office of the Attorney General
Chuck Schroyer, SD States Attorneys Association
Staci Eggert, SD Sheriff's Association

MOTION: DO PASS SB 10

Moved by: Gibson

Second by: Turbiville

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

MOTION: PLACE SB 10 ON CONSENT CALENDAR

Moved by: Moser

Second by: Schlekeway

Action: Prevailed by voice vote.

SB 11: define solicitation of or conspiracy to commit certain crimes as registerable sex offenses.

Presented by: Representative Brian Gosch

Proponents: Chuck Schroyer, SD States Attorneys Association
Staci Eggert, SD Sheriff's Association

MOTION: DO PASS SB 11

Moved by: Hoffman
Second by: Schlekeway
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

SB 12: provide for a tiered sex offender registry and to establish certain criteria for eligibility to petition for removal or reassignment.

Presented by: Representative Brian Gosch
Proponents: Charles McGuigan, Office of Attorney General (Handouts: #1)
Representative Elaine Elliott
Eileen Thomas, Self, Belle Fourche
Chuck Schroyer, SD States Attorneys Association
Staci Eggert, SD Sheriff's Association
Opponents: Susan Rupp, Self, Brookings
Ryan Kolbeck, SD Assn. Of Criminal Defense Lawyers

THE CHAIR DEFERRED SB 12 UNTIL WEDNESDAY, MARCH 3, 2010.

MOTION: ADJOURN

Moved by: Gibson
Second by: Gosch
Action: Prevailed by voice vote.

Linda Dugaard
Committee Secretary

Joni M. Cutler, Chair